



## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2022-0081]

### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated December 7, 2022, Virginia & Truckee Railroad Company (VTRR) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 230.17, *One thousand four hundred seventy-two (1472) service day inspection*. FRA assigned the petition Docket Number FRA-2022-0081.<sup>1</sup>

Specifically, VTRR requests relief for steam locomotive VTRR 29, which is used in public tourist excursions in Virginia City, Nevada, in a National Historic District. Regarding the locomotive's 1472 service day inspection, VTRR requests to extend the period in which the inspection is due from June 11, 2023, to December 31, 2023, by which time VTRR 29 will have accumulated fewer than 1,200 service days. In support of its request, VTRR states that its railroad is insular, and the relief will help VTRR "make up for lost operating days due to the mandated shut town of [the] business and the detrimental effects of the pandemic to [the] company and to [the] community." VTRR adds that VTRR 29 received a new dry pipe in 2021 during an inspection of its boiler interior, and both interior and exterior boiler inspections were performed at each annual inspection since 2008. VTRR also states it "exercises complete control of the operation,

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<sup>1</sup> VTRR initially petitioned for this relief by letter dated August 25, 2022. See <https://www.regulations.gov/document/FRA-2022-0081-0001>. On October 5, 2022, VTRR withdrew the August 25, 2022, petition in this docket. See <https://www.regulations.gov/document/FRA-2022-0081-0005>.

inspection, maintenance, and repairs” of VTRR 29.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov.

**John Karl Alexy,**

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*Chief Safety Officer.*

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